



State of Wisconsin
LEGISLATIVE REFERENCE BUREAU

Appendix A

LRB BILL HISTORY RESEARCH APPENDIX

The drafting file for 2013 LRB-1900/2 (For: Senator Farrow)

has been copied/added to the drafting file for

2013 LRB-3526 (For: Rep. Crag)

Are These "Companion Bills" ?? ... Yes

If yes, who in the initial requestor's office authorized the copy/transfer of the drafting history ("guts") from the original file: Matt



RESEARCH APPENDIX -
PLEASE KEEP WITH THE DRAFTING FILE

Date Transfer Requested: 10/30/2013 (Per: MES)

The attached draft was incorporated into the new draft listed above. For research purposes the attached materials were added, as a appendix, to the new drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

2013 DRAFTING REQUEST

Bill

Received: 2/25/2013 Received By: mshovers
Wanted: As time permits Same as LRB:
For: Paul Farrow (608) 266-9174 By/Representing: Melissa Schmidt
May Contact: Drafter: mshovers
Subject: Local Gov't - zoning Addl. Drafters:
Extra Copies: EVM

Submit via email: YES
Requester's email: Sen.Farrow@legis.wisconsin.gov
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Allow certain towns to adopt zoning ordinances without county board approval

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mshovers 3/14/2013						
/P1	mshovers 4/3/2013	kfollett 3/15/2013	rschluet 3/15/2013		sbasford 3/15/2013		Local
/1	mshovers 7/1/2013	kfollett 4/9/2013	rschluet 4/10/2013		sbasford 4/10/2013		Local
/2		kfollett	rschluet		sbasford	lparisi	Local

Vers. Drafted

Reviewed
7/2/2013

Typed
7/3/2013

Proofed

Submitted
7/3/2013

Jacketed
9/24/2013

Required

FE Sent For:

<END>

2013 DRAFTING REQUEST

Bill

Received: **2/25/2013** Received By: **mshovers**
Wanted: **As time permits** Same as LRB:
For: **Paul Farrow (608) 266-9174** By/Representing: **Melissa Schmidt**
May Contact: Drafter: **mshovers**
Subject: **Local Gov't - zoning** Addl. Drafters:
Extra Copies: **EVM**

Submit via email: **YES**
Requester's email: **Sen.Farrow@legis.wisconsin.gov**
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

: Allow certain towns to adopt zoning ordinances without county board approval

Instructions:

See attached

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/?	mshovers 3/14/2013			_____			
/P1	mshovers 4/3/2013	kfollett 3/15/2013	rschluet 3/15/2013	_____	sbasford 3/15/2013		Local
/1	mshovers 7/1/2013	kfollett 4/9/2013	rschluet 4/10/2013	_____	sbasford 4/10/2013		Local
/2		kfollett	rschluet	_____	sbasford		Local

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/1		kfollett 4/9/2013	rschluet 4/10/2013		sbasford 4/10/2013		Local

12/5f
7/2

FE Sent For:

<END>

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Pre Topic:

No specific pre topic given

Topic:

: Allow certain towns to adopt zoning ordinances without county board approval

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See attached

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<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mshovers 3/14/2013						
/P1		kfollett 3/15/2013	rschluet 3/15/2013		sbasford 3/15/2013		Local

FE Sent For:

<END>

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Instructions:

See attached

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/? mshovers

FE Sent For:

<END>

Shovers, Marc

From: Schmidt, Melissa
Sent: Thursday, February 21, 2013 3:25 PM
To: Shovers, Marc
Cc: Lundgren, Douglas
Subject: Drafting request regarding town zoning
Attachments: sl.ltr.11-30-12.pdf; draft amendment.Exhibit A.11-30-12.pdf; Exhibit B.11-30-12.pdf

Hi Marc,

Senator Farrow would like a preliminary draft that would amend s. 60.62 (3), Stats., to do the following:

1. Give authority to towns to adopt zoning ordinances without approval of the county board if the town is located in a county that meets all of the following criteria:
 - a. Has a population in excess of 380,000.
 - b. Is adjacent to a county with a population in excess of 800,000.
 - c. Has a county zoning ordinance in effect on January 1, 2013.
2. For a county that meets the criteria listed above, ensure that the county retains current authority under s. 60.62 (3), Stats., to review and approve amendments to a town's zoning ordinance, even if the county board approves zoning ordinances for all towns within the county and the county zoning ordinance is thereafter repealed or otherwise rendered ineffective.

For your reference, attached to this email are three documents that help provide background for this request. Exhibit A includes the proposed draft language that was prepared for the Town of Genesee. It appears that the language in Exhibit A has been agreed upon by a number of towns within Waukesha County and the county itself.

Please let me know if you have any questions about this drafting request. DeeJ Lundgren is the staffer in Sen. Farrow's office that is handling this drafting request.

Sincerely,

Melissa Schmidt

Staff Attorney
Wisconsin Legislative Council
Ph: (608) 266-2298
Fax: (608) 266-3830

From: Lundgren, Douglas
Sent: Thursday, January 31, 2013 11:04 AM
To: Schmidt, Melissa
Subject: FW: three towns - town zoning - Statutory Amendment Concerning County Board Review of Amendments

From: Sharon Leair [<mailto:sharonl@wi.rr.com>]
Sent: Monday, December 17, 2012 11:07 PM
To: Sen.Farrow

Cc: Herrmann Jeff; Herrmann Jeff; Macy John; Whitmore Barbara

Subject: Fw: three towns - town zoning - Statutory Amendment Concerning County Board Review of Amendments

Subject: Fw: three towns - town zoning - Statutory Amendment Concerning County Board Review of Amendments

Hello Senator Farrow: Congratulations on your election. You are now "our" Senator. John Macy indicated he mentioned the attached legislation to you. It's a very simple amendment which would allow the Towns of Genesee, Vernon and Oconomowoc to have their own town zoning, as 7 other towns in the County already have. Our towns would still be subject to Waukesha County's Comprehensive Land Use Plan in the event the only remaining town without their own zoning; namely, Ottawa, should decide to follow the route of the other 10 of us towns. I sent a copy to Dan Vrakas today. He agreed in a previous meeting to support this effort. Hope to have your support and direction. Thank you! Sharon Leair, Chairman, Town of Genesee

Attached please find correspondence and attachments thereto from Attorney John P. Macy regarding the above-noted matter. Hard copy of the same will not follow. If you should have any questions in this regard, please do not hesitate to contact me. Thank you.

Lisa

Arenz, Molter, Macy, Riffle & Larson, S.C.

720 N. East Avenue

Waukesha, WI 53186

Phone: (262) 548-1340

Fax: (262) 548-9211

Email: lfountain@ammr.net

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LAW OFFICES OF
**ARENZ, MOLTER,
MACY, RIFFLE & LARSON, S.C.**
720 N. EAST AVENUE
P.O. BOX 1348
WAUKESHA, WISCONSIN 53187-1348
Telephone (262)548-1340
Facsimile (262)548-9211
Email: jmacy@ammr.net

DALE W. ARENZ
DONALD S. MOLTER, JR.
JOHN P. MACY,
COURT COMMISSIONER
H. STANLEY RIFFLE,
COURT COMMISSIONER
ERIC J. LARSON

RICK D. TRINDL
JULIE A. AQUAVIA
PAUL E. ALEXY
R. VALJON ANDERSON

December 3, 2012

Sharon Leair
Town Chair
Town of Genesee
P.O. Box 242
Genesee Depot, WI 53127

**Re: Town of Genesee
Removal from County Zoning Authority
Statutory Amendment Concerning County Board Review of Amendments**

Dear Chairman Leair:

I received your request that I prepare language that would amend State statutes, to resolve an issue raised by Waukesha County. Waukesha County has said that it will not allow all Waukesha County Towns to adopt zoning ordinances, because this might eliminate Waukesha County's ability to review amendments to those ordinances, which in turn might eliminate Waukesha County's ability to implement the Waukesha County Development Plan. Under current law, all amendments to Town zoning ordinances, even in Towns that have their own zoning powers, are subject to review and approval by the County Board. Waukesha County intends to retain this authority. We have discussed pursuing a very narrow change to State law, which would allow Waukesha County to retain this authority, even if they allow Waukesha County Towns to adopt and enforce local zoning ordinances. I have had an opportunity to carefully consider this matter.

Enclosed as Exhibit A please find a first draft of an amendment that I have prepared. The enclosed would amend Section 60.62(3) of the Wisconsin Statutes. After you have an opportunity to review the enclosed, please do not hesitate to contact me with any questions or concerns you may have in this regard. It is my understanding that, once you have had an opportunity to consider this matter along with the Chairmen of the other affected Towns, you may forward this proposal to Waukesha County representatives. I will be happy to offer further assistance in this regard on request.

Please note that the enclosed is drafted narrowly. We want to make this as uncontroversial as possible, to aid its passage, so we are trying not to raise issues that might affect other counties or municipalities throughout the State. Enclosed as Exhibit B is a chart showing the 2011 population estimate for Milwaukee County, and the

LAW OFFICES OF
ARENZ, MOLTER, MACY, RIFFLE & LARSON, S.C.

Sharon Leair, Town Chair
December 3, 2012
Page 2

counties that surround Milwaukee County, which form of the basis for the numbers shown in the draft statutory amendment. For comparison, Exhibit B also shows the 2011 population estimate for Dane County and the counties surrounding Dane County. Under applicable law, we cannot simply create a State law that applies only to Waukesha County, so we need to find general language that accomplishes this intent less directly. I believe the proposed language is likely to withstand challenges against its validity or enforceability, while also accomplishing our intent of limiting this to Waukesha County for all practical purposes.

If you should have any questions or concerns regarding this matter, please do not hesitate to contact me.

Yours very truly,

ARENZ, MOLTER, MACY,
RIFFLE & LARSON, S.C.

John P. Macy

John P. Macy

JPM/bes
Enclosure

cc: Michael Doble, Vernon Town Chair
Robert Hultquist, Oconomowoc Town Chair
Jeff Herrmann, Genesee Town Planner
Jamie Rybarczyk, Vernon Town Planner

L:\MyFiles\Genesee\County Zoning\sl.ltr.11-30-12

Exhibit A

Proposed Revision to State Law, to Allow Waukesha County to Let All Waukesha County Towns to have Local Zoning Powers, While Retaining County Board Authority over Town Zoning Amendments

60.62 Zoning authority if exercising village powers.

...

(3) In counties having a county zoning ordinance, no zoning ordinance or amendment of a zoning ordinance may be adopted under this section unless approved by the county board. A county board for a county with (a) a population in excess of 380,000 that (b) abuts a county with a population in excess of 800,000, that (c) had a county zoning ordinance in effect on January 1, 2013, shall retain the power of this section over amendments to town zoning ordinances even if the county board approves zoning ordinances for all towns within the county and the county zoning ordinance is thereafter repealed or otherwise rendered ineffective.

Exhibit B

2011 Wisconsin County Population Estimates for Milwaukee County and its
Surrounding Counties and for Dane County and its Surrounding Counties

Milwaukee County: 2011 Population Estimate = 952,532

Ozaukee	86,568
Washington	132,386
Waukesha	390,730
Racine	195,388

Dane County: 2011 Population Estimate = 495,959

Sauk	62,290
Columbia	56,909
Dodge	88,661
Jefferson	83,686
Rock	160,092
Green	33,646
Iowa	23,599



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-1900/PL
MES. kjf

Rmk

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

CPs: request
Fix request
sheet please

D-note

WANTED
Fri.

gjm

1

AN ACT ...; relating to: authorizing certain towns to enact a zoning ordinance

2

without county board approval.

↑

Analysis by the Legislative Reference Bureau

Under current law, if a town board has been granted the authority to exercise village powers, the town board may enact zoning ordinances using the zoning statutes that are used by cities and villages, subject to a number of conditions. If the county in which the town is located has enacted a county zoning ordinance, town zoning ordinances may not take effect until such ordinances are approved either by a town meeting or by a referendum vote of the electors of the town. In addition, in counties having a zoning ordinance, no town zoning ordinance, or amendment of a zoning ordinance, may be adopted by the town unless approved by the county board; the bill repeals this provision.

Under this bill, a town may enact a zoning ordinance without county board approval if a number of conditions exist. The conditions are the following: The town must be located in a county with a population in excess of 380,000, and that county must have a zoning ordinance in effect on January 1, 2013. In addition, the county must be adjacent to a county that has a population in excess of 800,000. Under the bill, if such a town enacts a zoning ordinance, an amendment to that zoning ordinance may not take effect without county board approval of the amendment.

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 SECTION 1. 60.62 (3) of the statutes is amended to read:

2 60.62 (3) ~~In~~ Except as provided in sub. (3m), in counties having a county zoning
3 ordinance, no zoning ordinance or amendment of a zoning ordinance may be adopted
4 under this section unless approved by the county board.

5 History: 1983 a. 532; 1995 a. 201; 1997 a. 27; 1999 a. 9, 182; 2005 a. 207; 2009 a. 372.

6 SECTION 2. 60.62 (3m) of the statutes is created to read:

7 60.62 (3m) (a) Subject to par. (b), a town may enact a zoning ordinance under
8 this section without county board approval if all of the following apply:

- 9 1. The town is located in a county that has a population exceeding 380,000.
10 2. The county in which the town is located is adjacent to a county that has a
11 population exceeding 800,000.
12 3. The county in which the town is located has a zoning ordinance in effect on
January 1, 2013.

13 (b) 1. If a town enacts a zoning ordinance under par. (a), all amendments to that
14 zoning ordinance must be approved by the county board under sub. (3), or as provided
15 in subd. 2., before the amendment may take effect.

16 2. If a town enacts a zoning ordinance under par. (a) and the county repeals its
17 zoning ordinance, or if the county zoning ordinance does not apply in the county, a
18 town amendment to its zoning ordinance must be approved by the county board
19 before the amendment may take effect.

20 (END)

D-NOTE →

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1900/?dn

MES....

Date

Senator Farrow:

Please review this bill carefully to ensure that it meets your intent. The bill as drafted is consistent with the narrative drafting instructions submitted by Melissa Schmidt, but not with the predrafted language submitted as an attachment.

The narrative instructions state that if the conditions specified are met, a town may enact a zoning ordinance without receiving county board approval; the predrafted language does not contain this provision. Please let me know if you'd like the bill to be consistent with the predrafted instructions instead of the narrative description.

Marc E. Shovers
Managing Attorney
Phone: (608) 266-0129
E-mail: marc.shovers@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1900/P1dn
MES:kjfrs

March 15, 2013

Senator Farrow:

Please review this bill carefully to ensure that it meets your intent. The bill as drafted is consistent with the narrative drafting instructions submitted by Melissa Schmidt, but not with the predrafted language submitted as an attachment.

The narrative instructions state that if the conditions specified are met, a town may enact a zoning ordinance without receiving county board approval; the predrafted language does not contain this provision. Please let me know if you'd like the bill to be consistent with the predrafted instructions instead of the narrative description.

Marc E. Shovers
Managing Attorney
Phone: (608) 266-0129
E-mail: marc.shovers@legis.wisconsin.gov

Shovers, Marc

From: Lundgren, Douglas
Sent: Tuesday, March 19, 2013 8:46 AM
To: Shovers, Marc; Schmidt, Melissa
Subject: FW: Draft review: LRB -1900/P1 Topic: Allow certain towns to adopt zoning ordinances without county board approval
Attachments: 13-1900_P1[4].pdf; 13-1900_P1dn[1].pdf

Please see response from Town below. Thanks!

From: John P Macy [mailto:jmacy@ammr.net]
Sent: Monday, March 18, 2013 6:03 PM
To: Lundgren, Douglas
Cc: Leair Sharon; Herrmann Jeff
Subject: FW: Draft review: LRB -1900/P1 Topic: Allow certain towns to adopt zoning ordinances without county board approval

Please be advised that I am the Town Attorney for the Town of Genesee.
In that capacity, I have been forwarded the following email chain.

I briefly discussed this matter with Senator Farrow at the District 5 caucus on Sunday as well as the Town Chairman and Town Planner this morning.

We need, as asked in the original transmittal from Attorney Shovers, which is attached, to have the bill drafted, I believe, to be consistent with the predrafted instructions.

There are several problems with the first draft of the draft legislation.

Most notably, the fact that the draft legislation would allow a Town to write any form of zoning ordinance they were wanting to draft, regardless of what it says, and the same would be deemed the law for the town without County approval being required. The Counties will never go along with that.

Melissa Schmidt inquires as follows:

I am home today but have been thinking about this draft over the weekend. I know I talked with you about the suggested amendment to s. 60.62 (3), Stats., before I sent a drafting request down to LRB. If all the constituents want to do is to make sure that the county retains authority to approve or deny amendments, I don't think that a statutory change is necessary. This is because s. 60.62 (3), Stats., already requires that any amendment to a town zoning ordinance be approved by the county board if the county has a county zoning ordinance. I don't know why the county is worried about waiving this authority if they approve a town zoning ordinance as the statute requires the county board to approve amendments.

When you run this draft by your constituents, please ask them why the county board interprets s. 60.62 (3), Stats., to mean that if they approve a town zoning ordinance, they waive the authority to also approve every amendment? Maybe Attorney Macy can explain this interpretation of the statute. There may be an additional issue involved here of which I am unaware.

Here is the situation.

Waukesha County has 11 towns.

4 towns remain under County zoning.

7 towns already have their own zoning.

These 7 towns currently have their statutory amendments reviewed and approved by the county board.

3 towns have petitioned to the county for approval of their own zoning codes.

If the county were to grant these approvals, only 1 town would remain under county zoning.

The county is concerned that if that 1 town was to ask for approval of a town zoning ordinance, incorporated or consolidate with another municipality, the county may no longer have any county zoning.
If the county no longer has county zoning, the county then would no longer be able to review and approve town zoning code amendments in all 11 towns.
If the county is out of the town amendment review and approval process, the county has lost its most powerful tool to require implementation of the county comprehensive plan.
Bottom line, the Staff at the Waukesha County Parks and Land use office have advised that unless this amendment is passed they will never recommend approval of the town zoning ordinances for the 3 towns.
The county is concerned that at some point in the future they will no longer have county zoning.
The county wants some assurance that if by chance no towns fall under county zoning, the county will still be able to review and approve the proposed zoning amendments in all 11 towns.

All 11 towns in Waukesha County are in support of the proposed statutory change because all it does is maintain the status quo for them.
They do not see the possibility of ever getting out of this requirement.

Please call me so we can discuss this matter further.
I have done the best I can to articulate the situation.
If you think it would be helpful to have a conference call with all those working on the drafting, I will make myself available to participate.
I look forward to your call.

John P. Macy
Arenz, Molter, Macy, Riffle & Larson, S.C.
720 N. East Avenue
Waukesha, WI 53186

(262) 548-1340
jmacy@ammr.net

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The democracy will cease to exist when you take away from those who are willing to work and give to those who would not.

Samuel Adams, once said "No people will tamely surrender their Liberties, nor can any be easily subdued, when knowledge is diffused and Virtue is preserved. On the Contrary, when People are universally ignorant, and debauched in their Manners, they will sink under their own weight without the Aid of foreign invaders."

From: Leair Sharon <sharonl@wi.rr.com>
Date: Monday, March 18, 2013 5:07 PM
To: John Macy <jmacy@ammr.net>
Subject: Fw: Draft review: LRB -1900/P1 Topic: Allow certain towns to adopt zoning ordinances without county board approval

FYI DeeJ's response below. Sharon

From: Lundgren, Douglas

Sent: Monday, March 18, 2013 4:16 PM

To: Sharon Leair

Subject: RE: Draft review: LRB -1900/P1 Topic: Allow certain towns to adopt zoning ordinances without county board approval

Thanks! Looking forward to speaking with your attorney.

From: Sharon Leair [<mailto:sharonl@wi.rr.com>]

Sent: Monday, March 18, 2013 3:26 PM

To: Lundgren, Douglas

Cc: Macy John

Subject: Re: Draft review: LRB -1900/P1 Topic: Allow certain towns to adopt zoning ordinances without county board approval

Deej: Thank you. I had a staff meeting with Attorney Macy this morning. I have asked him to contact Senator Farrow's office regarding his thoughts on the legislation. I believe he will need to clarify our reasons for the Statute Amendment to the legislative attorneys also. I am also copying him with this email from Melissa Schmidt. Sharon

From: Lundgren, Douglas

Sent: Monday, March 18, 2013 12:18 PM

To: Sharon Leair (sharonl@wi.rr.com)

Subject: FW: Draft review: LRB -1900/P1 Topic: Allow certain towns to adopt zoning ordinances without county board approval

Hi Sharon,

Can you also share this e-mail with Mr. Macy. I think we got what you were looking for but I want to make absolutely sure before we proceed.

Thanks,
deej

From: Schmidt, Melissa

Sent: Monday, March 18, 2013 11:51 AM

To: Lundgren, Douglas

Subject: RE: Draft review: LRB -1900/P1 Topic: Allow certain towns to adopt zoning ordinances without county board approval

Importance: High

Deej,

I am home today but have been thinking about this draft over the weekend. I know I talked with you about the suggested amendment to s. 60.62 (3), Stats., before I sent a drafting request down to LRB. If all the constituents want to do is to make sure that the county retains authority to approve or deny amendments, I don't think that a statutory change is necessary. This is because s. 60.62 (3), Stats., already requires that any amendment to a town zoning ordinance be approved by the county board if the county has a county zoning ordinance. I don't know why the county is worried about waiving this authority if they approve a town zoning ordinance as the statute requires the county board to approve amendments.

When you run this draft by your constituents, please ask them why the county board interprets s. 60.62 (3), Stats.,

to mean that if they approve a town zoning ordinance, they waive the authority to also approve every amendment? Maybe Attorney Macy can explain this interpretation of the statute. There may be an additional issue involved here of which I am unaware.

Thank you,

Melissa

From: Lundgren, Douglas

Sent: Friday, March 15, 2013 12:35 PM

To: Schmidt, Melissa

Subject: FW: Draft review: LRB -1900/P1 Topic: Allow certain towns to adopt zoning ordinances without county board approval

From: LRB.Legal

Sent: Friday, March 15, 2013 10:18 AM

To: Sen.Farrow

Subject: Draft review: LRB -1900/P1 Topic: Allow certain towns to adopt zoning ordinances without county board approval

Following is the PDF version of draft LRB -1900/P1 and drafter's note.



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-1900/1

MES:kjfrs

Other

PMK

PRELIMINARY DRAFT - NOT READY FOR PRODUCTION

Handwritten signature/initials

1 AN ACT to amend 60.62 (3); and to create 60.62 (3m) of the statutes; relating
2 to: ^{expanding the requirement of county board approval of a} ~~authorizing certain towns to enact a zoning ordinance~~ ^{without county board}
3 ~~approval.~~ ^{amendment its} ~~approval.~~ ^{board approval of a} ~~approval.~~ ^{without county board}

Analysis by the Legislative Reference Bureau

Under current law, if a town board has been granted the authority to exercise village powers, the town board may enact zoning ordinances using the zoning statutes that are used by cities and villages, subject to a number of conditions. If the county in which the town is located has enacted a county zoning ordinance, town zoning ordinances may not take effect until such ordinances are approved either by a town meeting or by a referendum vote of the electors of the town. In addition, in counties having a zoning ordinance, no town zoning ordinance, or amendment of a zoning ordinance, may be adopted by the town unless approved by the county board; the bill repeals this provision.

Under this bill, a town may enact a zoning ordinance without county board approval if a number of conditions exist. The conditions are the following: the town must be located in a county with a population in excess of 380,000, and that county must have a zoning ordinance in effect on January 1, 2013. In addition, the county must be adjacent to a county that has a population in excess of 800,000. Under the bill, if such a town enacts a zoning ordinance, an amendment to that zoning ordinance may not take effect without county board approval of the amendment.

not apply an amendment to a town zoning ordinance may not take effect in the town, even if a county repeals its zoning ordinance, or the county ordinance does not apply.

For further information see the **local** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. ~~60.62 (3) of the statutes is amended to read:~~

60.62 (3) ~~In~~ Except as provided in sub. (3m), in counties having a county zoning ordinance, no zoning ordinance or amendment of a zoning ordinance may be adopted under this section unless approved by the county board.

SECTION 2. ~~60.62 (3m) of the statutes is created to read:~~

~~60.62 (3m) (a) Subject to par. (b), a town may enact a zoning ordinance under this section without county board approval if all of the following apply:~~

1. The town is located in a county that has a population exceeding 380,000.
2. The county in which the town is located is adjacent to a county that has a population exceeding 800,000.
3. The county in which the town is located has a zoning ordinance in effect on January 1, 2013.

~~(b) 1. If a town enacts a zoning ordinance under par. (a), all amendments to that zoning ordinance must be approved by the county board under sub. (3), or as provided in subd. 2., before the amendment may take effect.~~

~~(b) 2. If a town enacts a zoning ordinance under par. (a) and the county repeals its zoning ordinance, or if the county zoning ordinance does not apply in the county, a town amendment to its zoning ordinance must be approved by the county board before the amendment may take effect.~~

(END)

60.62 (3)

Shovers, Marc

From: Lundgren, Douglas
Sent: Thursday, June 27, 2013 5:08 PM
To: Shovers, Marc
Subject: FW: Draft review: LRB -1900/P1 Topic: Allow certain towns to adopt zoning ordinances

Here's the language from John. Please let me know if you have any questions. Thank you for your help on this!

From: John P Macy [mailto:jmacy@ammr.net]
Sent: Thursday, June 27, 2013 4:03 PM
To: Lundgren, Douglas
Cc: Leair Sharon
Subject: Re: Draft review: LRB -1900/P1 Topic: Allow certain towns to adopt zoning ordinances

Deej

Please forward the latest draft to Marc.
Thanks.

John P. Macy
Arenz, Molter, Macy, Riffle & Larson, S.C.
720 N. East Avenue
Waukesha, WI 53186

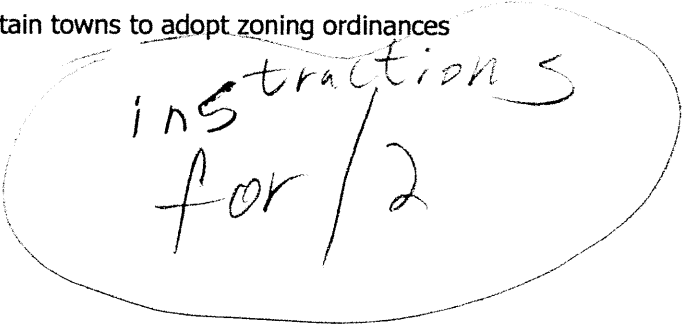
(262) 548-1340
jmacy@ammr.net

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From: "Lundgren, Douglas" <Deej.Lundgren@legis.wisconsin.gov>
Date: Tuesday, June 25, 2013 4:12 PM
To: John Macy <jmacy@ammr.net>
Subject: RE: Draft review: LRB -1900/P1 Topic: Allow certain towns to adopt zoning ordinances



instructions
for / 2

Can do. Will wait for your green light. Thanks!

From: John P Macy [<mailto:jmacy@ammr.net>]
Sent: Tuesday, June 25, 2013 2:58 PM
To: Lundgren, Douglas
Subject: Re: Draft review: LRB -1900/P1 Topic: Allow certain towns to adopt zoning ordinances

Please wait until tomorrow.

John P. Macy
Arenz, Molter, Macy, Riffle & Larson, S.C.
720 N. East Avenue
Waukesha, WI 53186

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jmacy@ammr.net

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From: "Lundgren, Douglas" <Deej.Lundgren@legis.wisconsin.gov>
Date: Tuesday, June 25, 2013 2:15 PM
To: John Macy <jmacy@ammr.net>
Subject: RE: Draft review: LRB -1900/P1 Topic: Allow certain towns to adopt zoning ordinances

Hi John,

Got the e-mail and have read through it. Would you like me to forward to Marc right away or do you want to wait until your clients get back to you?

Thanks,
deej

From: John P Macy [<mailto:jmacy@ammr.net>]
Sent: Tuesday, June 25, 2013 12:00 PM
To: Lundgren, Douglas
Cc: Leair Sharon; Herrmann Jeff; Hulquist Robert; Rybarczyk, Jamie A; 'Jim Slawny'; Jeff Herrmann
Subject: Re: Draft review: LRB -1900/P1 Topic: Allow certain towns to adopt zoning ordinances

Deej

Thank you for setting up a conference call with the drafter assigned to this project from the LRB. I think he now has a better understanding of the reasons for the statutory change and what needs to be accomplished by the same.

Per our conversation, it apparently may be necessary to simplify the proposed change as follows:

Analysis by the Legislative Reference Bureau

Under current law, if a town board has been granted the authority to exercise village powers, the town board may enact zoning ordinances using the zoning statutes that are used by cities and villages, subject to a number of conditions. If the county in which the town is located has enacted a county zoning ordinance, town zoning ordinances may not take effect until such ordinances are approved either by a town meeting or by a referendum vote of the electors of the town. In addition, in counties having a zoning ordinance, no town zoning ordinance, or amendment of a zoning ordinance, may be adopted by the town unless approved by the county board; the bill ~~repeals~~ **modifies** this provision.

Under this bill, even if a county repeals its zoning ordinance, or the county ordinance does not apply in the town, an amendment to a town zoning ordinance may not take effect without county board approval if a number of conditions exist. The conditions are the following: the town must be located in a county with a population in excess of 380,000, and that county must have a zoning ordinance in effect on January 1, 2013. In addition, the county must be adjacent to a county that has a population in excess of 800,000.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 60.62(3) of the statutes is renumbered 60.62 (3) (a).

SECTION 2. 60.62 (3) (b) of the statutes is created to read:

60.62 (3) (b) In counties having

1. a population exceeding 380,000, that
 2. is adjacent to a county that has a population exceeding 800,000, that
 3. had a county a zoning ordinance in effect on January 1, 2013,
- no zoning ordinance or amendment of a zoning ordinance may be adopted under this section unless approved by the county board.**

(END)

I am copying my clients with this proposed language and I am asking that they, as soon as possible, provide me with comments regarding this simplified proposed text.

In order to assist my clients in understanding why this change is being proposed, they may find it helpful to review the current language of section 60.62 (3) even though it is not being changed other than going from section 60.62 (3) to section 60.62 (3) (a):

(3) In counties having a county zoning ordinance, no zoning ordinance or amendment of a zoning ordinance may be adopted under this section unless approved by the county board.

If you have any comments, questions or concerns regarding the proposed revisions please feel free to contact me.

It is my understanding that you will forward the proposed language on to the LRB drafter for his consideration.

Thank you for all of your assistance in this regard.

John P. Macy
Arenz, Molter, Macy, Riffle & Larson, S.C.
720 N. East Avenue
Waukesha, WI 53186

(262) 548-1340
jmacy@ammr.net

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From: John Macy <jmacy@ammr.net>
Date: Monday, May 13, 2013 1:02 PM
To: "Lundgren, Douglas" <Deej.Lundgren@legis.wisconsin.gov>
Cc: Leair Sharon <sharonl@wi.rr.com>, Herrmann Jeff <jeffh@towngenesee.org>, Hulquist Robert <lexuno1@att.net>, Jim Slawny <JSlawny@wi.rr.com>, "Rybarczyk, Jamie A" <Jamie.Rybarczyk@Foth.com>
Subject: Re: Draft review: LRB -1900/P1 Topic: Allow certain towns to adopt zoning ordinances

Would it be possible for me to either meet in person or have a telephone conference with the drafter at the LRB to explain exactly what we are trying to accomplish and why it must be worded as we have proposed?

As admitted below, the our proposed language does not make sense to the drafter.
I would like to have an opportunity to explain.
How do accomplish this?

John P. Macy
Arenz, Molter, Macy, Riffle & Larson, S.C.
720 N. East Avenue
Waukesha, WI 53186

(262) 548-1340
jmacy@ammr.net

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From: "Lundgren, Douglas" <Deej.Lundgren@legis.wisconsin.gov>
Date: Tuesday, May 7, 2013 11:43 AM
To: John Macy <jmacy@ammr.net>
Cc: Leair Sharon <sharonl@wi.rr.com>, Herrmann Jeff <jeffh@towngenesee.org>, Hulquist Robert <lexuno1@att.net>, Jim Slawny <JSlawny@wi.rr.com>, "Rybarczyk, Jamie A" <Jamie.Rybarczyk@Foth.com>
Subject: RE: Draft review: LRB -1900/P1 Topic: Allow certain towns to adopt zoning ordinances

Please see the following language from a drafter at LRB and let me know your thoughts. Thanks.

I've had a chance to look over the suggestions. Essentially, bill section 1 is unchanged, and the suggested change to created s. 60.62 (3) (c) (intro.) is insignificant, although I think the language in the /1 version is better than the suggested change.

There is a significant change to created s. 60.62 (3) (b), however, the proposed language doesn't make sense to me. In effect, the proposed language says "In counties with county zoning, if the county approves zoning ordinances for all towns, no town zoning ordinance or amendment of a zoning ordinance may be enacted without county approval ." But the provision only applies if the county already approves zoning ordinances for all towns, so I'm not sure what the intent of the change is; it seems to have no legal effect.

I did notice what I think is an error in the /1 version of the bill, however. The bill currently says the following:

60.62 (3) (b) Subject to par. (c), if a town enacts a zoning ordinance as described under this section and the county repeals its zoning ordinance, or if the county zoning ordinance does not apply **in the county**, a town amendment to its zoning ordinance . . .

I think the bolded language should say "in the town." Obviously, the county zoning ordinance applies in the county, so the /1 version does not make sense (see p. 2, line 9).

From: John P Macy [<mailto:jmacy@ammr.net>]

Sent: Monday, April 29, 2013 9:19 PM

To: Lundgren, Douglas

Cc: Leair Sharon; Herrmann Jeff; Hulquist Robert; Jim Slawny; Rybarczyk, Jamie A

Subject: Re: Draft review: LRB -1900/P1 Topic: Allow certain towns to adopt zoning ordinances

Thank you for the latest draft of the proposed legislation.

I have discussed the same with the Genesee Town Chairman and Town Planner.

We are asking that additional revision be made so as to more closely follow the language approved by the Waukesha County officials.

We have the following proposed changes:

Analysis by the Legislative Reference Bureau

Under current law, if a town board has been granted the authority to exercise village powers, the town board may enact zoning ordinances using the zoning statutes that are used by cities and villages, subject to a number of conditions. If the county in which the town is located has enacted a county zoning ordinance, town zoning ordinances may not take effect until such ordinances are approved either by a town meeting or by a referendum vote of the electors of the town. In addition, in counties having a zoning ordinance, no town zoning ordinance, or amendment of a zoning ordinance, may be adopted by the town unless approved by the county board; the bill ~~repeals~~ **modifies** this provision.

Under this bill, even if a county repeals its zoning ordinance, or the county ordinance does not apply in the town, an amendment to a town zoning ordinance may not take effect without county board approval if a number of conditions exist. The conditions are the following: the town must be located in a county with a population in excess of 380,000, and that county must have a zoning ordinance in effect on January 1, 2013. In addition, the county must be adjacent to a county that has a population in excess of 800,000.

?

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 60.62(3) of the statutes is renumbered 60.62 (3) (a) and is amended to read as follows and 60.62 (3) (b) and 60.62 (3) (c) are created to read as follows amended to read:

60.62 (3) (a) ~~In Subject to pars. (b) and (c), in~~ in counties having a county zoning ordinance, no zoning ordinance or amendment of a zoning ordinance may be adopted under this section unless approved by the county board.

SECTION 2. 60.62 (3) (b) and (c) of the statutes are created to read:

60.62 (3) (b) Subject to par. (c), **in counties having a county zoning ordinance, even if the county board approves zoning ordinances for all towns within the county, no zoning amendment of a zoning ordinance may be adopted under this section unless approved by the county board.** ~~if a town enacts a zoning ordinance as described under this section and the county repeals its zoning ordinance, or if the county zoning ordinance does not apply in the county, a town amendment to its zoning ordinance must be approved by the county board before the amendment may take effect.~~

(c) ~~An~~ **A** zoning amendment to a town zoning ordinance must be approved by a county board as described in par. (b) only if all of the following apply:

1. The town is located in a county that has a population exceeding 380,000.
2. The county in which the town is located is adjacent to a county that has a

population exceeding 800,000.

3. The county in which the town is located has a zoning ordinance in effect on January 1, 2013.
(END)

If you have any comments, questions or concerns regarding the proposed revisions please feel free to contact me.

If a conference call or meeting is needed with you and/or the drafters, we would make ourselves available for the same.

Thank you for all of your assistance in this regard.

John P. Macy
Arenz, Molter, Macy, Riffle & Larson, S.C.
720 N. East Avenue
Waukesha, WI 53186

(262) 548-1340
jmacy@ammr.net

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From: "Lundgren, Douglas" <Deej.Lundgren@legis.wisconsin.gov>

Date: Friday, April 26, 2013 10:42 AM

To: John Macy <jmacy@ammr.net>

Cc: Leair Sharon <sharonl@wi.rr.com>, Herrmann Jeff <jeffh@towngenesee.org>

Subject: RE: Draft review: LRB -1900/P1 Topic: Allow certain towns to adopt zoning ordinances without county board approval

Please review current draft. Thank you.

From: John P Macy [<mailto:jmacy@ammr.net>]

Sent: Monday, April 22, 2013 9:43 AM

To: Lundgren, Douglas

Cc: Leair Sharon; Herrmann Jeff

Subject: Re: Draft review: LRB -1900/P1 Topic: Allow certain towns to adopt zoning ordinances without county board approval

By this letter I am requesting a status report on this matter.
Any information you can provide would be appreciated.

Thank you for your attention to this matter.

John P. Macy
Arenz, Molter, Macy, Riffle & Larson, S.C.
720 N. East Avenue
Waukesha, WI 53186

(262) 548-1340
jmacy@ammr.net

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From: "Lundgren, Douglas" <Deej.Lundgren@legis.wisconsin.gov>
Date: Friday, April 5, 2013 3:18 PM
To: John Macy <jmacy@ammr.net>
Cc: Leair Sharon <sharonl@wi.rr.com>, Herrmann Jeff <jeffh@towngeneseesee.org>
Subject: RE: Draft review: LRB -1900/P1 Topic: Allow certain towns to adopt zoning ordinances without county board approval

Hello All,

Thank you for the e-mail. The drafters are working on the last set of changes that were sent to them in regards to your concerns. As Sharon and I have discussed before, we think that it would be best to pursue a separate bill for this legislation. As such, it will become a priority after we make it through the budget. Thanks for your patience! If you need anything in the meantime, please let me know.

Best,
deej

From: John P Macy [<mailto:jmacy@ammr.net>]
Sent: Friday, April 05, 2013 10:59 AM
To: Lundgren, Douglas
Cc: Leair Sharon; Herrmann Jeff
Subject: Re: Draft review: LRB -1900/P1 Topic: Allow certain towns to adopt zoning ordinances without county board approval

I am writing to request a status update on the following matter.
The Town of Genesee Town Board is meeting on Monday, April 8, 2013, at 7 p.m.

The Town Chairman would like to report to the Town Board as to where we are at with the drafting of the legislation. Any information you could provide would be helpful.
Thank you in advance for courtesies shown in this regard.

John P. Macy
Arenz, Molter, Macy, Riffle & Larson, S.C.
720 N. East Avenue
Waukesha, WI 53186

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From: John Macy <jmacy@ammr.net>
Date: Monday, March 18, 2013 6:02 PM
To: <Deej.Lundgren@legis.wisconsin.gov>
Cc: Leair Sharon <sharonl@wi.rr.com>, Herrmann Jeff <jeffh@towngeneseesee.org>
Subject: FW: Draft review: LRB -1900/P1 Topic: Allow certain towns to adopt zoning ordinances without county board approval

Please be advised that I am the Town Attorney for the Town of Genesee.
In that capacity, I have been forwarded the following email chain.

I briefly discussed this matter with Senator Farrow at the District 5 caucus on Sunday as well as the Town Chairman and Town Planner this morning.
We need, as asked in the original transmittal from Attorney Shovers, which is attached, to have the bill drafted, I believe, to be consistent with the predrafted instructions.

There are several problems with the first draft of the draft legislation.
Most notably, the fact that the draft legislation would allow a Town to write any form of zoning ordinance they were wanting to draft, regardless of what it says, and the same would be deemed the law for the town without County approval being required. The Counties will never go along with that.

Melissa Schmidt inquires as follows:

I am home today but have been thinking about this draft over the weekend. I know I talked with you about the suggested amendment to s. 60.62 (3), Stats., before I sent a drafting request down to LRB. If all the constituents want to do is to make sure that the county retains authority to approve or deny amendments, I don't think that a

statutory change is necessary. This is because s. 60.62 (3), Stats., already requires that any amendment to a town zoning ordinance be approved by the county board if the county has a county zoning ordinance. I don't know why the county is worried about waiving this authority if they approve a town zoning ordinance as the statute requires the county board to approve amendments.

When you run this draft by your constituents, please ask them why the county board interprets s. 60.62 (3), Stats., to mean that if they approve a town zoning ordinance, they waive the authority to also approve every amendment? Maybe Attorney Macy can explain this interpretation of the statute. There may be an additional issue involved here of which I am unaware.

Here is the situation.

Waukesha County has 11 towns.

4 towns remain under County zoning.

7 towns already have their own zoning.

These 7 towns currently have their statutory amendments reviewed and approved by the county board.

3 towns have petitioned to the county for approval of their own zoning codes.

If the county were to grant these approvals, only 1 town would remain under county zoning.

The county is concerned that if that 1 town was to ask for approval of a town zoning ordinance, incorporated or consolidate with another municipality, the county may no longer have any county zoning.

If the county no longer has county zoning, the county then would no longer be able to review and approve town zoning code amendments in all 11 towns.

If the county is out of the town amendment review and approval process, the county has lost its most powerful tool to require implementation of the county comprehensive plan.

Bottom line, the Staff at the Waukesha County Parks and Land use office have advised that unless this amendment is passed they will never recommend approval of the town zoning ordinances for the 3 towns.

The county is concerned that at some point in the future they will no longer have county zoning.

The county wants some assurance that if by chance no towns fall under county zoning, the county will still be able to review and approve the proposed zoning amendments in all 11 towns.

All 11 towns in Waukesha County are in support of the proposed statutory change because all it does is maintain the status quo for them.

They do not see the possibility of ever getting out of this requirement.

Please call me so we can discuss this matter further.

I have done the best I can to articulate the situation.

If you think it would be helpful to have a conference call with all those working on the drafting, I will make myself available to participate.

I look forward to your call.

John P. Macy

Arenz, Molter, Macy, Riffle & Larson, S.C.

720 N. East Avenue

Waukesha, WI 53186

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From: Leair Sharon <sharonl@wi.rr.com>

Date: Monday, March 18, 2013 5:07 PM

To: John Macy <jmacy@ammr.net>

Subject: Fw: Draft review: LRB -1900/P1 Topic: Allow certain towns to adopt zoning ordinances without county board approval

FYI DeeJ's response below. Sharon

From: Lundgren, Douglas

Sent: Monday, March 18, 2013 4:16 PM

To: Sharon Leair

Subject: RE: Draft review: LRB -1900/P1 Topic: Allow certain towns to adopt zoning ordinances without county board approval

Thanks! Looking forward to speaking with your attorney.

From: Sharon Leair [<mailto:sharonl@wi.rr.com>]

Sent: Monday, March 18, 2013 3:26 PM

To: Lundgren, Douglas

Cc: Macy John

Subject: Re: Draft review: LRB -1900/P1 Topic: Allow certain towns to adopt zoning ordinances without county board approval

Deej: Thank you. I had a staff meeting with Attorney Macy this morning. I have asked him to contact Senator Farrow's office regarding his thoughts on the legislation. I believe he will need to clarify our reasons for the Statute Amendment to the legislative attorneys also. I am also copying him with this email from Melissa Schmidt. Sharon

From: Lundgren, Douglas

Sent: Monday, March 18, 2013 12:18 PM

To: Sharon Leair (sharonl@wi.rr.com)

Subject: FW: Draft review: LRB -1900/P1 Topic: Allow certain towns to adopt zoning ordinances without county board approval

Hi Sharon,

Can you also share this e-mail with Mr. Macy. I think we got what you were looking for but I want to make absolutely sure before we proceed.

Thanks,
deej

From: Schmidt, Melissa

Sent: Monday, March 18, 2013 11:51 AM

To: Lundgren, Douglas

Subject: RE: Draft review: LRB -1900/P1 Topic: Allow certain towns to adopt zoning ordinances without county board approval

Importance: High

Deej,

I am home today but have been thinking about this draft over the weekend. I know I talked with you about the suggested amendment to s. 60.62 (3), Stats., before I sent a drafting request down to LRB. If all the constituents want to do is to make sure that the county retains authority to approve or deny amendments, I don't think that a statutory change is necessary. This is because s. 60.62 (3), Stats., already requires that any amendment to a town zoning ordinance be approved by the county board if the county has a county zoning ordinance. I don't know why the county is worried about waiving this authority if they approve a town zoning ordinance as the statute requires the county board to approve amendments.

When you run this draft by your constituents, please ask them why the county board interprets s. 60.62 (3), Stats., to mean that if they approve a town zoning ordinance, they waive the authority to also approve every amendment? Maybe Attorney Macy can explain this interpretation of the statute. There may be an additional issue involved here of which I am unaware.

Thank you,

Melissa

From: Lundgren, Douglas

Sent: Friday, March 15, 2013 12:35 PM

To: Schmidt, Melissa

Subject: FW: Draft review: LRB -1900/P1 Topic: Allow certain towns to adopt zoning ordinances without county board approval

From: LRB.Legal

Sent: Friday, March 15, 2013 10:18 AM

To: Sen.Farrow

Subject: Draft review: LRB -1900/P1 Topic: Allow certain towns to adopt zoning ordinances without county board approval

Following is the PDF version of draft LRB -1900/P1 and drafter's note.

Shovers, Marc

From: Lundgren, Douglas
Sent: Tuesday, April 30, 2013 11:56 AM
To: Shovers, Marc
Subject: FW: Draft review: LRB -1900/P1 Topic: Allow certain towns to adopt zoning ordinances

Hi Marc,

I know you're busy but could you take a look at the e-mail below from Macy RE: the zoning ordinance and let me know your thoughts?

Thanks,
deej

From: John P Macy [mailto:jmacy@ammr.net]
Sent: Monday, April 29, 2013 9:19 PM
To: Lundgren, Douglas
Cc: Leair Sharon; Herrmann Jeff; Hulquist Robert; Jim Slawny; Rybarczyk, Jamie A
Subject: Re: Draft review: LRB -1900/P1 Topic: Allow certain towns to adopt zoning ordinances

Thank you for the latest draft of the proposed legislation.

I have discussed the same with the Genesee Town Chairman and Town Planner.

We are asking that additional revision be made so as to more closely follow the language approved by the Waukesha County officials.

We have the following proposed changes:

Analysis by the Legislative Reference Bureau

Under current law, if a town board has been granted the authority to exercise village powers, the town board may enact zoning ordinances using the zoning statutes that are used by cities and villages, subject to a number of conditions. If the county in which the town is located has enacted a county zoning ordinance, town zoning ordinances may not take effect until such ordinances are approved either by a town meeting or by a referendum vote of the electors of the town. In addition, in counties having a zoning ordinance, no town zoning ordinance, or amendment of a zoning ordinance, may be adopted by the town unless approved by the county board; the bill ~~repeals~~ **modifies** this provision.

Under this bill, even if a county repeals its zoning ordinance, or the county ordinance does not apply in the town, an amendment to a town zoning ordinance may not take effect without county board approval if a number of conditions exist. The conditions are the following: the town must be located in a county with a population in excess of 380,000, and that county must have a zoning ordinance in effect on January 1, 2013. In addition, the county must be adjacent to a county that has a population in excess of 800,000.

?

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 60.62(3) of the statutes is renumbered 60.62 (3) (a) and is amended to read as follows and 60.62 (3) (b) and 60.62 (3) (c) are created to read as follows amended to read:

60.62 (3) (a) ~~is~~ Subject to pars. (b) and (c), in counties having a county zoning ordinance, no zoning ordinance or amendment of a zoning ordinance may be adopted under this section unless approved by the county board.

SECTION 2. 60.62 (3) (b) and (c) of the statutes are created to read: *town?*

60.62 (3) (b) Subject to par. (c), in counties having a county zoning ordinance, even if the county board approves zoning ordinances for all towns within the county, no ~~zoning~~ amendment of a zoning ordinance may be adopted under this section unless approved by the county board. ~~if a town enacts a zoning ordinance as described under this section and the county repeals its zoning ordinance, or if the county zoning ordinance does not apply in the county, a town amendment to its zoning ordinance must be approved by the county board before the amendment may take effect.~~

(c) ~~An~~ A zoning amendment to a ~~town~~ zoning ordinance must be approved by a county board as described in par. (b) only if all of the following apply:

1. The town is located in a county that has a population exceeding 380,000.
2. The county in which the town is located is adjacent to a county that has a population exceeding 800,000.
3. The county in which the town is located has a zoning ordinance in effect on January 1, 2013.

(END)

*if all towns are out
of county zoning - (and
approves town & ord) & only
zones don't apply anywhere,
town & ord must be
approved by county board*

If you have any comments, questions or concerns regarding the proposed revisions please feel free to contact me.

If a conference call or meeting is needed with you and/or the drafters, we would make ourselves available for the same.

Thank you for all of your assistance in this regard.

John P. Macy
Arenz, Molter, Macy, Riffle & Larson, S.C.
720 N. East Avenue
Waukesha, WI 53186

(262) 548-1340
jmacy@ammr.net

This message originates from the law firm of Arenz, Molter, Macy, Riffle & Larson, S.C. It contains information that may be confidential or privileged and is intended only for the individual or entity named above. It is prohibited for anyone else to disclose, copy, distribute or use the contents of this message. All personal messages express views solely of the sender, which are not attributed to Arenz, Molter, Macy, Riffle & Larson, S. C., and may not be copied or distributed without this disclaimer. If you receive this message in error, please notify us immediately at jmacy@ammr.net or (262) 548-1340.

The democracy will cease to exist when you take away from those who are willing to work and give to those who would not.

Samuel Adams, once said "No people will tamely surrender their Liberties, nor can any be easily subdued, when knowledge is diffused and Virtue is preserved. On the Contrary, when People are universally ignorant, and debauched in their Manners, they will sink under their own weight without the Aid of foreign invaders."

From: "Lundgren, Douglas" <Deej.Lundgren@legis.wisconsin.gov>

Date: Friday, April 26, 2013 10:42 AM

To: John Macy <jmacy@ammr.net>

Cc: Leair Sharon <sharonl@wi.rr.com>, Herrmann Jeff <jeffh@towngenesee.org>

Subject: RE: Draft review: LRB -1900/P1 Topic: Allow certain towns to adopt zoning ordinances without county board approval

Please review current draft. Thank you.

From: John P Macy [<mailto:jmacy@ammr.net>]

Sent: Monday, April 22, 2013 9:43 AM

To: Lundgren, Douglas

Cc: Leair Sharon; Herrmann Jeff

Subject: Re: Draft review: LRB -1900/P1 Topic: Allow certain towns to adopt zoning ordinances without county board approval

By this letter I am requesting a status report on this matter.

Any information you can provide would be appreciated.

Thank you for your attention to this matter.

John P. Macy

Arenz, Molter, Macy, Riffle & Larson, S.C.

720 N. East Avenue

Waukesha, WI 53186

(262) 548-1340

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From: "Lundgren, Douglas" <Deej.Lundgren@legis.wisconsin.gov>

Date: Friday, April 5, 2013 3:18 PM

To: John Macy <jmacy@ammr.net>

Cc: Leair Sharon <sharonl@wi.rr.com>, Herrmann Jeff <jeffh@towngenesee.org>

Subject: RE: Draft review: LRB -1900/P1 Topic: Allow certain towns to adopt zoning ordinances without county board approval

Hello All,

Thank you for the e-mail. The drafters are working on the last set of changes that were sent to them in regards to your concerns. As Sharon and I have discussed before, we think that it would be best to pursue a separate bill for this legislation. As such, it will become a priority after we make it through the budget. Thanks for your patience! If you need anything in the meantime, please let me know.

Best,
deej

From: John P Macy [<mailto:jmacy@ammr.net>]

Sent: Friday, April 05, 2013 10:59 AM

To: Lundgren, Douglas

Cc: Leair Sharon; Herrmann Jeff

Subject: Re: Draft review: LRB -1900/P1 Topic: Allow certain towns to adopt zoning ordinances without county board approval

I am writing to request a status update on the following matter.

The Town of Genesee Town Board is meeting on Monday, April 8, 2013, at 7 p.m.

The Town Chairman would like to report to the Town Board as to where we are at with the drafting of the legislation.

Any information you could provide would be helpful.

Thank you in advance for courtesies shown in this regard.

John P. Macy

Arenz, Molter, Macy, Riffle & Larson, S.C.

720 N. East Avenue

Waukesha, WI 53186

(262) 548-1340

jmacy@ammr.net

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From: John Macy <jmacy@ammr.net>

Date: Monday, March 18, 2013 6:02 PM

To: <Deej.Lundgren@legis.wisconsin.gov>

Cc: Leair Sharon <sharonl@wi.rr.com>, Herrmann Jeff <jeffh@towngenesee.org>

Subject: FW: Draft review: LRB -1900/P1 Topic: Allow certain towns to adopt zoning ordinances without county board approval

Please be advised that I am the Town Attorney for the Town of Genesee.

In that capacity, I have been forwarded the following email chain.

I briefly discussed this matter with Senator Farrow at the District 5 caucus on Sunday as well as the Town Chairman and Town Planner this morning.

We need, as asked in the original transmittal from Attorney Shovers, which is attached, to have the bill drafted, I believe, to be consistent with the predrafted instructions.

There are several problems with the first draft of the draft legislation.

Most notably, the fact that the draft legislation would allow a Town to write any form of zoning ordinance they were wanting to draft, regardless of what it says, and the same would be deemed the law for the town without County approval being required. The Counties will never go along with that.

Melissa Schmidt inquires as follows:

I am home today but have been thinking about this draft over the weekend. I know I talked with you about the suggested amendment to s. 60.62 (3), Stats., before I sent a drafting request down to LRB. If all the constituents want to do is to make sure that the county retains authority to approve or deny amendments, I don't think that a statutory change is necessary. This is because s. 60.62 (3), Stats., already requires that any amendment to a town zoning ordinance be approved by the county board if the county has a county zoning ordinance. I don't know why the county is worried about waiving this authority if they approve a town zoning ordinance as the statute requires the county board to approve amendments.

When you run this draft by your constituents, please ask them why the county board interprets s. 60.62 (3), Stats., to mean that if they approve a town zoning ordinance, they waive the authority to also approve every amendment? Maybe Attorney Macy can explain this interpretation of the statute. There may be an additional issue involved here of which I am unaware.

Here is the situation.

Waukesha County has 11 towns.

4 towns remain under County zoning.

7 towns already have their own zoning.

These 7 towns currently have their statutory amendments reviewed and approved by the county board.

3 towns have petitioned to the county for approval of their own zoning codes.

If the county were to grant these approvals, only 1 town would remain under county zoning.

The county is concerned that if that 1 town was to ask for approval of a town zoning ordinance, incorporated or consolidate with another municipality, the county may no longer have any county zoning.

If the county no longer has county zoning, the county then would no longer be able to review and approve town zoning code amendments in all 11 towns.

If the county is out of the town amendment review and approval process, the county has lost its most powerful tool to require implementation of the county comprehensive plan.

Bottom line, the Staff at the Waukesha County Parks and Land use office have advised that unless this amendment is passed they will never recommend approval of the town zoning ordinances for the 3 towns.

The county is concerned that at some point in the future they will no longer have county zoning.

The county wants some assurance that if by chance no towns fall under county zoning, the county will still be able to review and approve the proposed zoning amendments in all 11 towns.

All 11 towns in Waukesha County are in support of the proposed statutory change because all it does is maintain the status quo for them.

They do not see the possibility of ever getting out of this requirement.

Please call me so we can discuss this matter further.

I have done the best I can to articulate the situation.

If you think it would be helpful to have a conference call with all those working on the drafting, I will make myself available to participate.

I look forward to your call.

John P. Macy

Arenz, Molter, Macy, Riffle & Larson, S.C.

720 N. East Avenue

Waukesha, WI 53186

(262) 548-1340

jmacy@ammr.net

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From: Leair Sharon <sharonl@wi.rr.com>

Date: Monday, March 18, 2013 5:07 PM

To: John Macy <jmacy@ammr.net>

Subject: Fw: Draft review: LRB -1900/P1 Topic: Allow certain towns to adopt zoning ordinances without county board approval

FYI DeeJ's response below. Sharon

From: Lundgren, Douglas

Sent: Monday, March 18, 2013 4:16 PM

To: Sharon Leair

Subject: RE: Draft review: LRB -1900/P1 Topic: Allow certain towns to adopt zoning ordinances without county board approval

Thanks! Looking forward to speaking with your attorney.

From: Sharon Leair [<mailto:sharonl@wi.rr.com>]

Sent: Monday, March 18, 2013 3:26 PM

To: Lundgren, Douglas

Cc: Macy John

Subject: Re: Draft review: LRB -1900/P1 Topic: Allow certain towns to adopt zoning ordinances without county board approval

Deej: Thank you. I had a staff meeting with Attorney Macy this morning. I have asked him to contact Senator Farrow's office regarding his thoughts on the legislation. I believe he will need to clarify our reasons for the Statute Amendment to the legislative attorneys also. I am also copying him with this email from Melissa Schmidt. Sharon

From: Lundgren, Douglas

Sent: Monday, March 18, 2013 12:18 PM

To: Sharon Leair (sharonl@wi.rr.com)

Subject: FW: Draft review: LRB -1900/P1 Topic: Allow certain towns to adopt zoning ordinances without county board approval

Hi Sharon,

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Thanks,
deej

From: Schmidt, Melissa
Sent: Monday, March 18, 2013 11:51 AM
To: Lundgren, Douglas
Subject: RE: Draft review: LRB -1900/P1 Topic: Allow certain towns to adopt zoning ordinances without county board approval
Importance: High

Deej,

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Thank you,

Melissa

From: Lundgren, Douglas
Sent: Friday, March 15, 2013 12:35 PM
To: Schmidt, Melissa
Subject: FW: Draft review: LRB -1900/P1 Topic: Allow certain towns to adopt zoning ordinances without county board approval

From: LRB.Legal
Sent: Friday, March 15, 2013 10:18 AM
To: Sen.Farrow
Subject: Draft review: LRB -1900/P1 Topic: Allow certain towns to adopt zoning ordinances without county board approval

Following is the PDF version of draft LRB -1900/P1 and drafter's note.



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-1900/1

MES:kjf:rs

2013 BILL

1 AN ACT *to renumber and amend* 60.62; and *to create* 60.62 (3) (b) and (c) of
2 the statutes; **relating to:** expanding the requirement of county board approval
3 of a town amendment of its zoning ordinances.

Analysis by the Legislative Reference Bureau

Under current law, if a town board has been granted the authority to exercise village powers, the town board may enact zoning ordinances using the zoning statutes that are used by cities and villages, subject to a number of conditions. If the county in which the town is located has enacted a county zoning ordinance, town zoning ordinances may not take effect until such ordinances are approved either by a town meeting or by a referendum vote of the electors of the town. In addition, in counties having a zoning ordinance, no town zoning ordinance, or amendment of a zoning ordinance, may be adopted by the town unless approved by the county board; the bill repeals this provision.

Under this bill, even if a county repeals its zoning ordinance, or the county ordinance does not apply in the town, an amendment to a town zoning ordinance may not take effect without county board approval if a number of conditions exist. The conditions are the following: the town must be located in a county with a population in excess of 380,000, and that county must have a zoning ordinance in effect on January 1, 2013. In addition, the county must be adjacent to a county that has a population in excess of 800,000.

BILL

For further information see the **local** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 60.62 of the statutes is renumbered 60.62 (3) (a) and amended to read:

60.62 (3) (a) In Subject to pars. (b) and (c), in counties having a county zoning ordinance, no zoning ordinance or amendment of a zoning ordinance may be adopted under this section unless approved by the county board.

SECTION 2. 60.62 (3) (b) and (c) of the statutes are created to read:

60.62 (3) (b) Subject to par. (c), if a town enacts a zoning ordinance as described under this section and the county repeals its zoning ordinance, or if the county zoning ordinance does not apply in the county, a town amendment to its zoning ordinance must be approved by the county board before the amendment may take effect.

(c) An amendment to a town zoning ordinance must be approved by a county board as described in par. (b) only if all of the following apply:

1. The town is located in a county that has a population exceeding 380,000.

2. The county in which the town is located is adjacent to a county that has a population exceeding 800,000.

3. The county in which the town is located has a zoning ordinance in effect on January 1, 2013.

(END)



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-1900/1
MES:kjfrs

RMR

2013 BILL

- 1 AN ACT *to renumber and amend* 60.62; and *to create* 60.62 (3) (b) and (c) of
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Under current law, if a town board has been granted the authority to exercise village powers, the town board may enact zoning ordinances using the zoning statutes that are used by cities and villages, subject to a number of conditions. If the county in which the town is located has enacted a county zoning ordinance, town zoning ordinances may not take effect until such ordinances are approved either by a town meeting or by a referendum vote of the electors of the town. In addition, in counties having a zoning ordinance, no town zoning ordinance, or amendment of a zoning ordinance, may be adopted by the town unless approved by the county board; the bill ~~repeals~~ *modifies* this provision.

Under this bill, ~~even if a county repeals its zoning ordinance, or the county ordinance does not apply in the town, an amendment to a town zoning ordinance may not take effect without county board approval if a number of conditions exist.~~ The conditions are the following: the town must be located in a county with a population in excess of 380,000, ~~and~~ that county must have a zoning ordinance in effect on January 1, 2013. ~~In addition, the county must be adjacent to a county that has a population in excess of 800,000.~~ *and*

with regard to towns to which certain conditions apply, the town may not adopt or amend a zoning ordinance

BILL

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

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1 **SECTION 1.** 60.62 of the statutes is renumbered 60.62 (3) (a) and amended to
2 read:

3 60.62 (3) (a) ~~In Subject to pars (b) and (c),~~ in counties having a county zoning
4 ordinance, no zoning ordinance or amendment of a zoning ordinance may be adopted
5 under this section unless approved by the county board.

6 **SECTION 2.** 60.62 (3) (b) and (c) of the statutes ~~are~~ ^{is} created to read:

7 60.62 (3) (b) ~~Subject to par (c), if a town enacts a zoning ordinance as described~~
8 ~~under this section and the county repeals its zoning ordinance, or if the county zoning~~
9 ~~ordinance does not apply in the county, a town amendment to its zoning ordinance~~
10 ~~must be approved by the county board before the amendment may take effect.~~

11 ~~(b) An amendment to a town zoning ordinance must be approved by a county~~
12 ~~board as described in par. (b) only if all of the following apply:~~

- 13 1. The town is located in a county that has a population exceeding 380,000.
- 14 2. The county in which the town is located is adjacent to a county that has a
15 population exceeding 800,000.
- 16 3. The county in which the town is located has a zoning ordinance in effect on
17 January 1, 2013.

18 (END)

to which all of the following apply,
that is located in a county that has a zoning ordinance in effect on January 1, 2013. the town may not adopt or amend a zoning ordinance under this section without county board approval

Parisi, Lori

From: Henkel, Matt
Sent: Tuesday, September 24, 2013 10:11 AM
To: LRB.Legal
Subject: Draft Review: LRB -1900/2 Topic: Allow certain towns to adopt zoning ordinances without county board approval

Thanks!

Please Jacket LRB -1900/2 for the SENATE.



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-1900/2
MES:kjf:rs

2013 BILL

- 1 **AN ACT** *to renumber and amend* 60.62; and *to create* 60.62 (3) (b) of the
2 statutes; **relating to:** expanding the requirement of county board approval of
3 a town amendment of its zoning ordinances.

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Under current law, if a town board has been granted the authority to exercise village powers, the town board may enact zoning ordinances using the zoning statutes that are used by cities and villages, subject to a number of conditions. If the county in which the town is located has enacted a county zoning ordinance, town zoning ordinances may not take effect until such ordinances are approved either by a town meeting or by a referendum vote of the electors of the town. In addition, in counties having a zoning ordinance, no town zoning ordinance, or amendment of a zoning ordinance, may be adopted by the town unless approved by the county board; the bill modifies this provision.

Under this bill, with regard to towns to which certain conditions apply, the town may not adopt or amend a zoning ordinance without county board approval. The conditions are the following: the town must be located in a county with a population in excess of 380,000, that county must have a zoning ordinance in effect on January 1, 2013 and, the county must be adjacent to a county that has a population in excess of 800,000.

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4 no zoning ordinance or amendment of a zoning ordinance may be adopted under this
5 section unless approved by the county board.

6 **SECTION 2.** 60.62 (3) (b) of the statutes is created to read:

7 60.62 (3) (b) With regard to a town to which all of the following apply, the town
8 may not adopt or amend a zoning ordinance under this section without county board
9 approval:

10 1. The town is located in a county that has a population exceeding 380,000.

11 2. The county in which the town is located is adjacent to a county that has a
12 population exceeding 800,000.

3. The county in which the town is located has a zoning ordinance in effect on January 1, 2013.

15 (END)